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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ANGEL FRALEY; PAUL WANG; SUSAN MAINZER; JAMES H. DUVAL, a minor, by and through JAMES DUVAL, as Guardian ad Litem; and W. T., a minor, by and through RUSSELL TAIT, as Guardian ad Litem; individually and on behalf of all others similarly situated,

Plaintiffs,

V.

FACEBOOK, INC., a corporation; and
DOES 1-100,

Defendants.

Case No. CV 11-01726 LHK

**[PROPOSED] ORDER
GRANTING CLASS
CERTIFICATION**

Date: May 24, 2012
Time: 1:30 p.m.
Courtroom: 8
Judge: Hon. Lucy H. Koh
Trial Date: December 3, 2012

[PROPOSED] ORDER GRANTING CLASS CERTIFICATION
Case No. CV 11-01726 LHK

1 On May 24, 2012, the Motion for Class Certification of Plaintiffs and proposed Class
2 representatives Susan Mainzer, James H. Duval through his guardian ad litem James Duval,
3 and W. T., through his guardian ad litem Russell Tait, ("Plaintiffs") came on for hearing before
4 the Court.

5 The Court reviewed the Notice of Motion, the Memorandum of Law in Support, the
6 Declarations of Robert S. Arns, Steven R. Weinmann, Kevin M. Osborne, Jonathan M. Jaffe,
7 Vincent Alberico, Richard Drogan, Gary Frazier, Fernando Torres, and David Taber.

8 The Motion seeks an Order: (1) certifying the proposed Class, as defined below under
9 Rule 23(b)(3) of the Federal Rules of Civil Procedure, (2) appointing Plaintiffs Susan Mainzer,
10 James H. Duval through his guardian ad litem James Duval, and W.T. through his guardian ad
11 litem Russell Tait, as Class Representatives and (3) appointing their counsel as Class Counsel.

12 Having read and considered the briefing and supporting documents, and the arguments
13 of counsel, the Court grants the Motion in all respects. The Court hereby FINDS and ORDERS:

- 14 1. The Class is ascertainable; its members are too numerous to be joined
15 practically; the Action raises common legal and factual questions; the Class
16 Representative's claims are typical of the claims of the Class as a whole; the
17 Class Representatives and Class Members share a community of interest in
18 the Action; and neither the Class Representatives nor Class Counsel have
19 interests adverse to the Class; Class Counsel are competent and experienced;
20 common questions predominate over questions affecting only individual
21 members of the Class; and that the Action is the best, if not the only, means
22 for resolving the claims of Class Members expeditiously and economically.

- 1 2. Plaintiffs Susan Mainzer, James H. Duval by his guardian ad litem James
2 Duval, and W.T. by his guardian ad litem Russell Tait, are hereby appointed
3 as Class Representatives to represent the proposed Settlement Class, because
4 the Settlement Class satisfies the requirements of Rules 23(a), (b), and (c) of
5 the Federal Rules of Civil Procedure. James H. Duval and W.T. are further
6 appointed as representatives of the Minor Subclass
7
- 8 3. The Settlement Class is hereby conditionally certified, defined as follows:

9 **Plaintiff Class.** The class sought to be represented is defined as follows:

10 All natural persons in the United States who had an account registered on
11 facebook.com at any time since January 24, 2011, and had their names,
12 photographs, likenesses or identities associated with that account used in a
13 Facebook Sponsored Stories advertisement ("the Class").

14 **Subclass of Minors.**

15 All persons in the Plaintiff Class who additionally have had their names,
16 photographs, likenesses or identities used in a Facebook Sponsored Stories ad
17 while under 18 years of age ("the Minor Subclass").

- 19 4. Excluded from the Class are (a) FACEBOOK, its officers and directors, legal
20 representatives, successors or assigns; (b) any entity in which FACEBOOK has or
21 had a controlling interest; (c) the judge to whom this case is assigned and the judge's
22 immediate family; and (d) any juror selected to hear this case.

5. Class Counsel The Arns Law Firm, Robert S. Arns, Jonathan E. Davis, and Steven R. Weinmann, and Jonathan Jaffe of Jonathan Jaffe Law, are hereby appointed to represent the Settlement Class.

IT IS SO ORDERED.

Dated: May _____, 2012

Hon. Lucy H. Koh
United States District Court Judge